

REMARKS

Claims 1, 3, 4 and 6-45 are pending in the subject application. After entry of the above amendment to the claims, claims 1 and 3 have been amended. The Examiner is respectfully requested to reconsider the rejection of the claims in view of the above amendments and remarks as set forth herein below.

1. The claims stand subject to a restriction under 35 U.S.C. § 121.

Applicant elects Group I, claims 1, 4 and 6-45 without traverse.

2. Claim 3 stands withdrawn from consideration as being directed to a non-elected invention.

Claim 3 has been amended to now fall within the elected invention above.

3. Claims 1, 4, 6, 8, 10, 13-19, 21-24, 27, 28, 30-36, and 38-42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sievi-Korte et al. (US 2002/0066507). This rejection is respectfully traversed.

Sievi-Korte *et al.* discloses that “the material that varies in colors with the temperature may be at least one part of at least one sidewall of the tire, at least one part of one tread wing area of the tire, or both of these (page 1, paragraph 010). Further Sievi-Korte *et al.* discloses that the “material made for instance occur as a suitable pattern on the tire surface, such as the manufacturer’s logo, as letters or figures indicating the temperature, or in the form of stripes” (see page 1, paragraph 0011).

Sievi-Korte *et al.* does not disclose a colored pattern on at least twenty five percent (25%) of the outer surface of the tire let alone a non-repeating colored pattern on at least twenty five percent (25%) of the outer surface of the tire. Specifically, Sievi-Korte *et al.* only discloses that a part of at least one sidewall of the tire and/or a part of one tread wing area of the tire can be made of material that varies in colors with the temperature. Further, the examples given in paragraph 0011 on page 1 suggest very limited same sized surface area of the tire being made of this material that varies in color with the temperature (e.g. logo, letters, figures, or stripes). Further, the examples or embodiments shown by Sievi-Korte *et al.* in Figures 2, 3 and 4 are very limited small sized surface areas of the outer surface of the tire using the material that varies in color (i.e. letter pattern 7 (Figure 2), button 8 (Figure 3), and pattern 9 (Figure 4)). Thus, Sievi-

Korte *et al.* not only does not suggest the claimed combination, but instead teaches away from the claimed combination by showing examples or embodiments using the material that changes color with temperature having very small surface area (i.e. perhaps less than three percent (3%).

4. Claims 1, 2, 4, 6-8, 10-21, 22, 24, 26, 28, 30-36, 38-41, and 43-45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rogal (DE 19613801). This rejection is respectfully traversed.

Rogal discloses a tire for motor vehicles having the side surfaces and/or tread surfaces colored with at least one pigment and/or a colored layer containing at least one pigment.

Rogal does not disclose a non-repeating colored pattern on at least twenty five percent (25%) of the outer surface of the tire according to the claimed combination. Thus, Rogal does not teach or suggest the claimed invention.

5. Claims 1, 2, 4, 6-9, 21, 22, 25, 28-35, 37, 39 and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Creasy (US 3,814,160). This rejection is respectfully traversed.

Creasy discloses a tread wear indicator 1, as shown in the Figure. The outside surface of the tire is entirely black, until a portion of the tread wear indicator 1 is exposed due to tread wear. It is noted that the tread wear indicator 1 has a repeating pattern of ribs 2. Further, the tread itself has a repeating pattern. Creasy does not disclose a non-repeating colored pattern on

at least twenty-five percent (25%) of the outer surface of the tire according to the claimed combination. Thus, Creasy does not teach or suggest the claimed combination.

In view of the above amendments and remarks, it is believed that the claims are in condition for allowance, and allowance is respectfully requested.

It is not believed that extensions of time are required beyond those that my otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are necessary and hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 11-1243.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 11-1243.

Respectfully submitted,

KLIMA LAW OFFICES, P.L.L.C.

A handwritten signature in black ink, appearing to read "William L. Klima".

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